

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DOUGLAS SENGILLO,

Plaintiff,

DECISION AND ORDER

03-CV-6509L

v.

VALEO ELECTRICAL SYSTEMS, INC.,
VALEO, S.A., RETIREMENT ACCELERATION
PROGRAM, PENSION PLAN FOR VALEO
ELECTRICAL SYSTEMS, INC., BARGAINING
UNIT EMPLOYEES REPRESENTED BY
IUE/CWA LOCAL 509 and DENNIS CLARK,

Defendants.

Plaintiff, Douglas Sengillo (“Sengillo”), moved to amend his complaint to add a claim for breach of contract. Defendants oppose the motion for several reasons, but principally because it was untimely, having been filed approximately one year after the court-imposed deadline for filing such motions.

The Court had referred certain pretrial matters to United States Magistrate Judge Marian W. Payson, pursuant to 28 U.S.C. § 636(b). Magistrate Judge Payson issued a Report and Recommendation (Dkt. #49) recommending that plaintiff’s motion to amend the complaint be denied. Magistrate Judge Payson issued a thorough 10-page Report and determined that Sengillo


had not shown good cause for filing the late motion. Sengillo did not appeal from Magistrate Judge Payson's Report and Recommendation.

I have reviewed Magistrate Judge Payson's Report and Recommendation, the proposed amended complaint and the file, and I agree with Magistrate Judge Payson's determination, and I adopt her Report and Recommendation in full. As set forth by Magistrate Judge Payson, although FED. R. CIV. P. 15(a) provides for liberal amendment of pleadings, that does not excuse a party from complying with scheduling orders set by the Court. In this case, Sengillo has failed to demonstrate good cause for the very tardy motion to amend the complaint.

CONCLUSION

Plaintiff's motion for leave to amend the complaint (Dkt. #32) is denied.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", is written over a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
August 16, 2005.